

### **REMARKS**

In reply to the final Office action mailed September 26, 2007, Applicant respectfully proposes entry of the clarifying amendments set forth above and consideration the following remarks. By this response, amendments to claims 17 and 36 are proposed, and no new matter is added. After courteous entry of this paper, claims 17-22 and 28-41 will remain subject to examination in this application.

In the Office Action, the Examiner (i) rejected claims 17-19, 21, 28-30, 33-34, 36-38, and 40 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,430,222 to Okada (hereinafter “Okada”); and (ii) rejected claims 20, 22, 31-32, 35, 39, and 41 under 35 U.S.C. §103(a) as being unpatentable over Okada in view of U.S. Patent No. 6,330,369 to Cornog (hereinafter “Cornog”). Applicant respectfully traverses, submitting that the amended claims are clarified and distinguishable from the cited reference for at least the reasons below. Reconsideration is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 17-19, 21, 28-30, 33-34, 36-38, and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Okada. Additionally, claims 20, 22, 31-32, 35, 39, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Okada in view of Cornog. Applicant traverses, respectfully calling attention to the appropriate characterization of data **pairs** clarified herein, and submits that the amended claims distinguish the claimed invention from the cited art and obviate these rejections.

Without acquiescence, in the interests, e.g., of advancing prosecution and avoiding additional costs, Applicant proposes amendment to independent claims 17 and 36 to more clearly distinguish Applicant's innovations from the cited art. Claims 17 and 36 have been amended, *inter alia*, to clarify the “unique pairs of data” feature recited therein. Amended claim 17, for example, now recites “a rate control component [that utilizes data pairs] characterized as a first component of particular class data paired with a second component of particular quantization parameter data,” as described in the

specification. In contrast, Okada is directed towards rate control where the quantization itself is controlled by the coding controller (See Fig. 2 and column 3, lines 64-67), not a rate control method that maps each of a plurality of unique *pairs* of data (of the disparate classes of paired data components, as now clarified) to a unique estimate for the number of coding bits. Further, amended claim 17 is also clarified to recite factoring “a value representing an actual quantity of coding bits observed for previously coded data entities” into the estimation process. The rate control of Okada, however, utilizes a **general** quantization parameter and coding bit information observed for **all** the previously coded data entities, as opposed to coding bit usage (e.g., actual quantities of coding bits observed for previously coded data entities, or groups of blocks) and mapping (i.e., to a **certain class** and quantized with a **particular** parameter) features consistent with amended claim 17. As such, Okada does not teach or suggest at least “a rate control component that maps each of a plurality of unique pairs of data, pairs of data being characterized as a first component of particular class data paired with a second component of particular quantization parameter data, to a unique estimate for a number of coding bits,” as recited in amended claim 17.

Therefore, Applicant respectfully submits that clarified (amended) independent claim 17 is allowable for at least the above reasons. Further, claim 36 has been amended consistent with the clarifications to claim 17, and Applicant submits that amended claim 36 is also allowable for at least the above reasons. Additionally, because claims 18-22 and 28-35 depend on independent claim 17, and claims 37-41 depend on independent claim 36, Applicant respectfully submits that these dependent claims are also allowable for at least these reasons. Accordingly, upon courteous entry of this paper, Applicant respectfully requests withdrawal of the rejections under §103(a) and allowance of claims 17-22 and 28-41.

#### Conclusory Remarks

In view of the above, it is respectfully submitted that claims 17-22 and 28-41 are now in condition for formal allowance, and early and favorable action to that effect is

respectfully requested. Upon such courteous consideration of the claims subject to examination, Applicant solicits cancellation of the withdrawn claims, without prejudice or disclaimer, via Examiner Amendment in accordance with MPEP § 821.02.

The Examiner is invited to call Applicant's attorney at the number below if doing so will in any way advance the prosecution of this application.

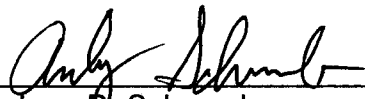
The Commissioner is hereby authorized to charge any fees which may be required, or credit in the overpayment, to Deposit Account No. **07-1896** referencing Attorney Docket No. **352000-902002**.

Respectfully submitted,

**DLA PIPER U.S. LLP**

Dated: January 28, 2008

By: \_\_\_\_\_



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